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U.S. District Court Central District of California (Western Div.)

CIVIL DOCKET FOR CASE #: 01-CV-3126

Ronald Alex v. Jake Mendez

Filed: 04/05/01

Assigned to: Judge Ronald S.W. Lew

Referred to: Magistrate Judge Ann I. Jones

Demand: \$0,000 Nature of Suit: 530

Lead Docket: None Jurisdiction: US Defendant

Dkt # in USDC C/D CA @ LA : is 90-CR-560 DVK

Cause: 28:2241 Petition: Writ of H/C - Federal

RONALD ALEX petitioner

Ronald Alex REG 70908-012 [COR LD NTC] [PRO SE] White Deer United State Penitentiary P O Box 3000 White Deer, PA 17887

v.

JAKE MENDEZ, Warden, USP Allenwood respondent 1: CV-01-0916

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MAY 2 4 2001

INTERNAL USE ONLY: Proceedings include all events. 2:01cv3126 Ronald Alex v. Jake Mendez

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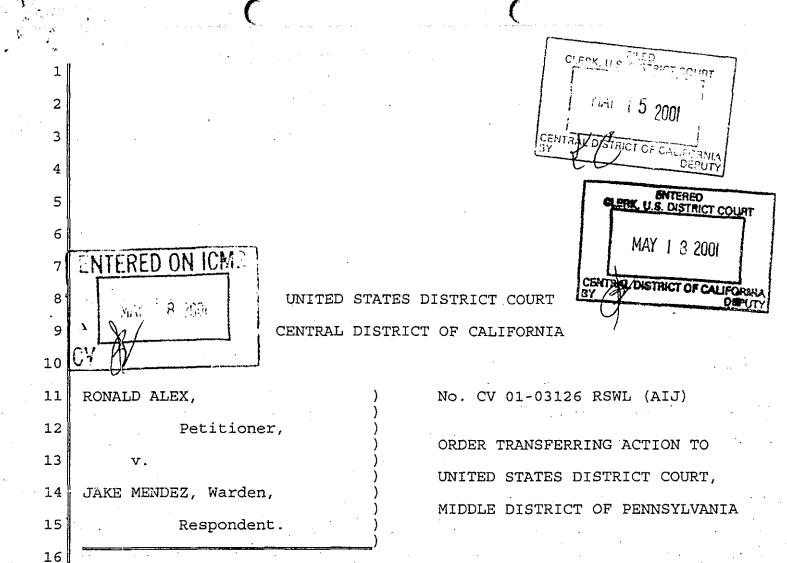
(194) TRANSF

RONALD ALEX

petitioner

v.

JAKE MENDEZ, Warden, USP Allenwood respondent



Petitioner, a federal prisoner, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (hereafter, the "petition") on April 5, 2001. The petition purports to challenge the legality of a federal conviction and sentence, and alleges several claims of constitutional error which relate to petitioner's confession. (Petition at 3-9).

Petitioner is incarcerated pursuant to a sentence imposed by this court in case number CR 90-560-DVK and has filed at least one motion under 28 U.S.C. § 2255 to contest the legality of that sentence, which was denied on June 21, 1996. (Id. at 2, 6). Petitioner, however, is in constody in a federal facility located in White Deer, Pennsylvania, which GSP in the jurisdiction of the United States District Court for the MOTICE The court for the MOTICE The court for the MOTICE The court for the court for the motice of the United States District Court for the MOTICE The court for the court

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| Casa 1:01-cv-00016-WWCDocument | 1 Filed 05/24/2001 Page 4 of 16 |
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| ORIGINAL () | CLERK, U.S. DISTRICT COURT APR 2 3 2001 |
| and the first of the control of the | DISTRICT COURT CT OF CALIFORNIA CY CENTRAL DISTRICT OF CALIFORNIA DEPUTY |
| Ronald Alex PLAINTIFF(S), | CASE NUMBER: CV_01-3126 FMC (AIJ) |
| v. Jake Mendez, Warden DEFENDANT(S). | ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Cases) |
| I hereby consent to the transfer of the above-entitled case. Dated $\frac{\mathcal{L} - 19 - 0}{2}$ | SENT se to my calendar, pursuant to General Order 224. Ronald S. W. Lew United States District Judge |
| IT IS HEREBY ORDERED that this case is transferred to further proceedings. Dated: I hereby decline to transfer the above-entitled case to/from | Florence-Marie Cooper United States District Judge |
| Dated: | United States District Judge |
| NOTICE TO COUNSEL FROM CLERK: | y identical transactions, happenings or events. Ostantially the same parties or property. ght. tially identical questions of law. ry duplication of labor if heard by different judges. |
| On all documents subsequently filed in this case, please place of the initials of the prior judge, so that the case number because documents are routed to the assigned judges by means | will read CV 01-3126 RSWL (AIJ). This is very important |

ulada.

WINITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

| | A WESTERN D | IVISION | Walter Control | |
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| | CIVIL MINUTES | S - GENERAL | 1844, | |
| Case No. CV 01-3126 FMC | <u></u> | Date: _ | April 13, 20 |)1 ************************************ |
| Title: <u>RONALD ALEX v</u> | JAKE MENDEZ, V | VARDEN | | Arren en planten En en en en en |
| PRESENT: | | | | |
| 。 | BLE FLORENCE- | MARIE COOPER | , JUDGE | religious y la Section |
| Alicia Maso | and the second s | | Andrews Janes | The second s |
| Courtroom C | u lerk | Court R | eporter | |
| ATTORNEYS PRESENT FOR PLA | INTIFFS: | ATTORNEYS | PRESENT FOR D | EFENDANTS: |
| Not present | | Not preser | it : | |
| PROCEEDINGS: (In Chambe | rs) ORDER FOR | REASSIGNMENT | | |
| This complaint should be | assigned thro | igh the 194 c | leck. | |
| This matter is referred | diagram and the control of the contr | s Office for | reassignment | under th |
| provisions of General Ord | er,194. | | | |
| IT IS SO ORDERED. | | | | (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) |
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| NOTICE TO THE PARTIES FROM THE | CLERK: | en e | Contract of the contract of th | a particular de |
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| This case thas been assigned to except trial, if one is needed | | | | |
| except trial, it one is needed | . The case numb | EI SHOULD HOW I | au Cy | |
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MINUTES FORM 11 CIVIL - GEN Initials of Deputy Clerk____

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the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this petition except that ONE separate additional page is permitted in answering Question No.9.

APR -9 2001

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

If you are seeking leave to proceed in forma pauperis (without paying the \$5.00 filing fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the original and 3 copies, must be mailed to the Clerk of the United States District Court for the Central District of California, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012, ATTENTION: Intake/Docket Section.

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PLEASE COMPLETE THE FOLLOWING: (check appropriate number)

| This petition concer | rns: |
|----------------------|---|
| 1. ××× | a conviction. |
| 2 | a sentence. |
| 3 | jail or prison conditions. |
| 4 | prison discipline. |
| 5 | a parole problem. |
| 6 | OTHER INVOKES NEW CONSTITUTIONAL LAW OTHER PURSUANT TO U.S. SUPREME COURT CASE DICKERSON V. UNITED STATES, NO. 99-5525, |

PETITION

| 1. Place of detention UNITED STATES PENITENTARY ALLENWOOD, PA |
|---|
| 2. Name and location of court which imposed sentence US DISTRICT COURT, CENTRAL |
| DISTRICT OF CALIFORNIA |
| 3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed: |
| (a) CR-90-560- DVK |
| (b) VIOLATION OF 18 USC 2113(A)(D) |
| (c) |
| 4. The date upon which sentence was imposed and the terms of the sentence: (a) 2-25-91 |
| (a) 2-25-91 (b) 300 MONTHS |
| (c) |
| 5. Check whether a finding of guilty was made: |
| (a) After a plea of guilty |
| (b) After a plea of not guilty |
| (c) After a plea of nolo contendere |
| 6. If you were found guilty after a plea of not guilty, check whether that finding was made by: (a) a jury |
| (b) a judge without a jury 7. Did you appeal from the judgment of conviction or the imposition of sentence? |
| YES () NO8. If you did appeal, give the following information for each appeal: |
| a. (1) Name of court U.S. COURT OF APPEALS, NINTH CIRCUIT |
| (2) Result CONVICTION AFTIRMED |
| (3) Date of result $6-8-92$ |
| (4) Citation or number of opinion UNKNOWN TO PETITIONER |

| | Case 1 | 01-cv-009 | 16-WWC | - Document 1 - | Filed 05/24/2001 | Page 10 of 16 |
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| POUCE | porting FACTS (T NICK BAKN DEPARTME | ell your story S COND NT HEAD | BRIEFLY WILL UCTED A QUARTERS | thout citing cases of I CUSTODIAL IN , CONCERNING | THE 1-3-90 FRIST | Y, AND US. BATT SPECIAL ETITIONER AT LOS ANGELES INTERSTATE BANK ROBBERY |
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| c. | Ground Three | | | JHE CONVIC | THON MAS OBJAI | NED IN VIOLATION |
| | BEFORE THE | COMM | ENCEMEN | TOFTHE 3- | -5-90 CUSTODIA | F HIS MIRANDA RIGHTS LINTERROGATION |
| Su OF TI | pporting FACTS (THE MARCH | ell your stor 5, 1990 | y BRIEFLY wi CUSTODIA ANGELES | ithout citing cases or AL INTERRO S POLICE DE | law). IT WAS NOT EATTON IN WHICH | UNTIL THE CONCLUSION FBI SPECIAL AGENT HANSON, AND US BATF |
| SPEC | IAL AGENT | NICK | BARMS | ELICTED PE | ETITIONERS CON | FESSION REGARD 1-3-90 |
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| d. | Ground Four | HE CON | VICTIO | N WAS OB | TAINED IN VI | OLATION OF |
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Filed 05/24/2001

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| (6) Citati | ion or number of any written opinions or or | · |
| | CV98-4578 | 3- JSL (AIJ) |
| you did not | file a motion under Section 2255 of Title 27 | 7\8, United States Code, or if you filed such a motion and it was denied, st |
| | ray of such motion is inadequate or ineffecti | |
| | PETITIONER INVOL | KES, FAY V. NOIA 9 L. ED. 28 837, |
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| | | CONVICTION WHEN A CONFESSION WAS |
| <u> </u> | COERCED" | |
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| | | |
| Are you pres | sently represented by counsel? () Yes | ; (> ✓) No |
| If so, name, | address and telephone number | |
| | e de la companya del companya de la companya del companya de la co | and the state of t |
| Case name a | and court | |
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| | | · · · · · · · · · · · · · · · · · · · |
| you are see | king leave to proceed in forma pauperis, ha | ave you completed the declaration setting forth the required information? |
| (×) Yes | s () No | - |
| | | |
| EFORE, p | petitioner prays that the court grant petitione | er relief to which he may be entitled in this proceeding, |
| | | |
| | | Signature of Attorney (if any) |
| I declare (| (or certify, verify, or state) under penalty of | f perjury that the foregoing is true and correct. |
| | | Executed on march 27, 2001 |
| | | Executed on march 27, 2001 (Date) |
| | | |
| | | Signature of Petitioner |

| | RONALD ALEX | DECLADATION IN CUIDOODT | |
|-----------|--|---|-----------------|
| | (Petitioner) | DECLARATION IN SUPPORT OF REQUEST TO PROCEED | |
| , | TAKE MENDEZ | IN FORMA PAUPERIS | |
| | (Respondent[s]) | | |
| ÷ | | | *. |
| | I RONALD ALEX | | |
| of my | , <u> </u> | _, declare that I am the petitioner in the above entitled case; that in su or give security therefor, I state that because of my poverty I am una | ippoi ible t |
| | he costs of said proceeding or to give security therefor; that I be | | |
| 1. | Are you presently employed? Yes 🔀 | No | |
| | a. If the answer is yes, state the amount of your salary or w | vages per month, and give the name and address of your employer. | |
| | yout Orderly, U.S. Byrean | | |
| | b. If the answer is no, state the date of last employment and | the amount of the salary and wages per month which you received. | |
| 2. | b. If the answer is no, state the date of last employment and Have you received, within the past twelve months, any mone a. Business, profession or form of self-employment? b. Rent payments, interest or dividends? c. Pensions, annuities or life insurance payments? d. Gifts or inheritances? e. Any other sources? | the amount of the salary and wages per month which you received. ey from any of the following sources? Yes No Yes No Yes No Yes No Yes No Yes No | welv |
| 2. | b. If the answer is no, state the date of last employment and Have you received, within the past twelve months, any mone a. Business, profession or form of self-employment? b. Rent payments, interest or dividends? c. Pensions, annuities or life insurance payments? d. Gifts or inheritances? e. Any other sources? If the answer to any of the above is yes, describe each source months. | ey from any of the following sources? Yes No × Yes | welve |
| 2. | b. If the answer is no, state the date of last employment and Have you received, within the past twelve months, any mone a. Business, profession or form of self-employment? b. Rent payments, interest or dividends? c. Pensions, annuities or life insurance payments? d. Gifts or inheritances? e. Any other sources? If the answer to any of the above is yes, describe each source | the amount of the salary and wages per month which you received. ey from any of the following sources? Yes No | welv |
| | b. If the answer is no, state the date of last employment and Have you received, within the past twelve months, any mone a. Business, profession or form of self-employment? b. Rent payments, interest or dividends? c. Pensions, annuities or life insurance payments? d. Gifts or inheritances? e. Any other sources? If the answer to any of the above is yes, describe each source months. Do you own any cash, or do you have money in a checking (Include any funds in prison accounts) | the amount of the salary and wages per month which you received. ey from any of the following sources? Yes No | welv |
| | Have you received, within the past twelve months, any mone a. Business, profession or form of self-employment? b. Rent payments, interest or dividends? c. Pensions, annuities or life insurance payments? d. Gifts or inheritances? e. Any other sources? If the answer to any of the above is yes, describe each source months. Do you own any cash, or do you have money in a checking (Include any funds in prison accounts) If the answer is yes, state the total value of the items owned. | ey from any of the following sources? Yes No | |

| 5. List the persons who are dependent upon you for support, state your | relationship to those persons, and indicate how much you contribute |
|---|--|
| toward their support. | Telationship to those persons, and indicate now inden you contribute |
| N/A | |
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| I. declare (or certify, verify or state) under penalty of periury | that the foregoing is true and correct. |
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| and the Agriculture of the Artistic Allegation is presented to the transfer of the Artistic Artistic Comments Artistic Browness Artistic A | Konald Alex |
| | Signature of Petitioner |
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| CERTIFI | CATE |
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| I hereby certify that the Petitioner herein has the sum of \$ 3. | ೨೦ on account |
| to his credit at the | institution where he is confined. I further |
| certify that Petitioner likewise has the following securities to his credit | according to the records of said |
| instutition: | |
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| | / / C |
| DATED March 28, 2001 | Lary Symms, Authorized Officer of Institution |
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CAMPAL DISTRICT OF CHILDREN

TITED STATES DISTRICT COLLINITRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION 312 N. SPRING ST., RM. G-8 LOS ANGELES, CA 90012 (213) 894-3535 FAX (213) 894-6860 SOUTHERN DIVISION Ronald Reagan Federal Bldg. and United States Courthouse 411 W. Fourth St., Suite 1053 Santa Ana, CA 92701-4516 (714) 338-4750

EASTERN DIVISION 3470 Twelfth Street, Rm. 134 Riverside, CA 92501 (909) 328-4450

SHERRI R. CARTER CLERK OF COURT

Ronald Alex (70908-012) P.O. Box 3000 White Deer, PA 17887 APR - 4 2001

Dear Sir/Madam:

| A 🛮 Petition for Writ of Habeas | Corpus was filed today on your behalf a | nd assigned civil - |
|---|--|--|
| case number <u>CV-01-312</u> | 26 FMC | |
| ☐ Motion pursuant to Title 28 | , United States Code, Section 2255, was | filed today in |
| | R | <u> </u> |
| Please refer to these case number | | |
| Please address all correspondence | to the attention of the Courtroom Deputy | Clerk for: |
| X District Court Judge | Florence-Marie Cooper | |
| □ Magistrate Judge | | - - |
| At the following address: | | |
| ☑ U.S. District Court Clerk's Office/Civil Section 312 N. Spring St., Room G-8 Los Angeles, Ca. 90012 | 411 W. Fourth St. | ☐ U.S. District Court 3470 Twelfth Street Room 134 Riverside, Ca, 92501 |
| The Court must be notified within of record is returned undelivered by the writing within fifteen (15) days thereafte prejudice for want of prosecution. | | ing counsel are not notified in |
| | Very truly yours, | |
| | CLERK, U. S. DIST | RICT COURT |
| | By: C. Howard Deputy Clerk | |



UNITED STATES DISTRICT COURT

SOUTHERN DIVISION Ronald Reagan Federal Bldg. and United States Courthouse 411 W. Fourth St., Suite 1053 Santa Ana, CA 92701-4516 (714) 338-4750

EASTERN DIVISION 3470 Twelfth Street, Rm. 134 Riverside, CA 92501 (909) 328-4450

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| SHERRI R. CARTER CLERK OF COURT | | | |
| | | | |
| Date_5/18/01 | · · · · · · · · · · · · · · · · · · · | | ** |

| Clerk | x, United States District Court | |
|---------------|--|--|
| | Middle | District of PENNSYLVANIA |
| Re: | Transfer of our Civil Case No. | CV 01-3126 RSWL(AIJ) |
| | Case Title: RONALD ALEX v | s IAKE MENDEZ |
| Dear | Sir/Madam: | |
| | An order having been made tran | sferring the above-numbered case to your district, we are transmitting |
| herew | with our entire original file in the | e action, together with certified copies of the order and the docket. |
| Please | acknowledge receipt of same and | indicate below the case number you have assigned to this matter on |
| the en | RECEIVED SCRANTON | urn it to our office. Thank you for your cooperation. Very truly yours, |
| | MAY 2 4 2001 | SHERRIR CARTER CLERK, U.S. DISTRICT COURT |
| cc: | MARY E. D'ANDREA, CLERI- Per Peputy Clerk All counsel of record | Sharond Skall Brown By S. HALL-BROWN (213) 894-7685 Deputy Clerk |
| Recei Case | $\mathbf{T}:C$ | iments described herein and we have assigned this matter |
| | | CLERK, U. S. DISTRICT COURT |
| | | Ву |
| | | Deputy Clerk |
| CV-22 | (1/01) TRANSM | ITTAL LETTER - CIVIL CASE TRANSFER OUT |